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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James Longbottom

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PATTERSON & SHERIDAN, L.L.P.

3040 POST OAK BOULEVARD, SUITE 1500

HOUSTON, TX 77056

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/668,785	LONGBOTTOM ET AL.	
	Examiner	Art Unit	
	Vanel Frenel	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-45, 49, 50, 55 and 69-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-45, 49-50, 55 and 69-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 10/26/06. Claims 1-8, 10, 12, 14-18, 20-21, 25-26, 30, 36, 43, 50, 55, 69-70 and 72-77 have been amended. Claims 19, 46-48, 51-54 and 56-68 have been canceled. Claims 78-90 have been newly added. Claims 1-18, 20-45, 49-50, 55 and 69-90 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, 20-45, 49, 50, 55 and 69-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman (5,504,491), Tubel (5,730, 219), Yamazaki (6,867,752) in view of Alft (2004/0190374), for substantially the same reasons given in the prior Office Action, and incorporated herein. Further reasons are presented hereinbelow.

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(A) Claim 1 has been amended to recite the limitation of "by a person at the off-site location". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(B) Claim 2 has been amended to recite the limitation of "drilling rig via the portable communications module and the at least two-way data communication connection by the off-site person". However, this limitation has been met by Alft in Page 14, Paragraphs 0130-0131).

(C) Claim 3 has been amended to recite the limitation of "the", "an", "at the drilling rig", "at the off-site location". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(D) Claim 4 has been amended to recite the limitation of "comprise". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(E) Claim 5 has been amended to recite the limitation of "further comprising recording and billing the activities". However, this limitation has been met by Tubel in Col.3, lines 36-65).

(F) Claim 7 has been amended to recite the limitation of "the activities comprise". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(G) Claim 8 has been amended to recite the limitation of "monitoring the", and "monitoring". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(H) Claims 10 and 21 have been amended to recite the limitation of "at the drilling rig". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(I) Claim 12 has been amended to recite the limitation of "further comprising comparing a ". However, this changes does not affect the scope and the breadth of the

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claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(J) Claims 14 and 15 have been amended to recite the limitation of "the", "drilling rig". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(K) Claim 16 has been amended to recite the limitation of "the", "comprise", "measuring lengths and "module". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(L) Claim 17 has been amended to recite the limitation of "comprise" and "recording". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(M) Claim 18 has been amended to recite the limitation of "comprise measuring". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(N) Claim 25 has been amended to recite the limitation of "a". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(O) Claim 26 has been amended to recite the limitation of "by the off-site person". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(P) Claim 30 has been amended to recite the limitation of "wherein the hardhat is at an on-site location and" and "at an off-site location". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(Q) Claim 36 has been slightly amended to erase several words.

(R) Claim 43 has been amended to recite the limitation of "person". However, this changes does not affect the scope and the breadth of the claim as originally presented,

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and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(S) Claim 50 has been amended to recite the limitation of "drilling rig", "the" and "person". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(T) Claim 55 has been amended to recite the limitation of "module". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(U) Claims 69-70 and 72-77 have been amended to recite the limitation of "the". However, this changes does not affect the scope and the breadth of the claim as originally presented, and is therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

(V) As per the newly added claim 78, Tubel discloses the method further comprising drilling a wellbore to an oil and /or gas bearing formation (See Tubel, Col.18, lines 34-67; Col.19, lines 34-59).

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(W) As per the newly added claim 79, Tubel discloses the method wherein the connection is real-time (See Tubel, Abstract).

(X) As per the newly added claim 80, Alft discloses the method further comprising communicating one or more procedures from the off-site person to the person at the drilling rig (See Alft, Page 14, Paragraphs 0130-0132).

(Y) As per the newly added claim 81, Alft discloses the method wherein the one or more procedures comprise an assembly drawing, a picture of a part, a video of an installation procedure, or a training session (See Alft, Page 15, Paragraphs 0132-0134).

(Z) As per the newly added claim 82, Alft discloses the method wherein the one or more procedures comprise a schematic drawing of a part or machine, critical dimensions of a part or machine, or checklist or video clip showing how to use a part or machine (See Alft Page 15, Paragraphs 0132-0134).

(AA) As per the newly added claim 83, Alft discloses the method wherein the part or machine is a tong (Examiner interprets pump or motor to be a form of tong See Alft, Page 25, Paragraphs 0218-0219).

(BB) As per the newly added claim 84, Tubel discloses the method wherein the part or machine is fishing equipment (The Examiner interprets water 16 to the surface of the

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ocean floor 18 and then downwardly into formations under the ocean floor as a form of fishing activities See Col.8, lines 64-67).

(CC) As per the newly added claim 85, Alft discloses the method wherein the part or machine is a parameter measuring device (See Alft, Page 8, Paragraphs 0079-0080).

(DD) As per the newly added claim 86, Alft discloses the method further comprising the person at the drilling rig performing a task using the one or more procedures (See Alft, Page 8, Paragraphs 0082-0083).

(EE) As per the newly added claim 87, Alft discloses the method wherein the communications module is portable (See Alft, Page 9, Paragraph 0087).

(FF) As per the newly added claim 88, Alft discloses the method wherein the on-site person wears the communications module or the communications module is attached to the on-site person (See Alft, Page 9, Paragraph 0087).

(GG) As per the newly added claim 89, Tubel discloses the method wherein the one or more procedures comprise an assembly drawing, a picture of a part, a video of an installation procedure, or a training session (See Tubel, Col.15, lines 14-43).

(HH) As per the newly added claim 90, Tubel discloses the method wherein the one or more procedures comprise a schematic drawing of a part or machine, critical dimensions of a part or machine, or checklist or video clip showing how to use a part or machine (See Tubel, Col.15, lines 14-43).

Response to Arguments

4. Applicant's arguments filed on 10/26/2006 with respect to claims 1-18, 20-45, 49, 50, 55 and 69-90 have been fully considered but they are not persuasive.

(A) At pages 11-14, Applicant's argues the followings:

(1) Alft, Tubel, Chapman and Yamazaki teach away for not providing a communications module to a person at the rig and the Examiner has not met the requirements for a prima facie case of obviousness for claim 1 and its independents.

(2) Tubel does not disclose any communication between the remote central control system and a person.

(B) In response to Applicant's argument that is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the primary reference, Alft is directed to a communication link established via the drill string may comprise an electrical or optical fiber passing through the drill string, an electrical

conductor integral with each connected segment of the drill string or capacitive elements integral with each connected segment of the drill string. In one embodiment, the tracker unit comprises a hand-held or portable transceiver, and the secondary reference, Tubel, is drawn to transceivers for two-way communication with the surface as well as a telemetry device for communicating from the surface of the production well to a remote location. However, Tubel is reasonably pertinent to the particular problem with which Applicant was concerned because there are in the same field of endeavour.

In response, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a *prima facie* case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Moreover, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specifically support that particular motivation and/or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is NOT seen that the

Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter., 4/22/93). Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant's second argument, Examiner respectfully submitted He relied upon the clear teachings of Alft for such a feature See Page 14, Paragraph 0130-0131). Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches safety helmet directional and break signals having AM/FM and two-way communication capability (6,157,298).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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V.F
V.F

January 21, 2007

Andrew Joseph Rudy

Primary Examiner, AU 3627